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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SON, LINH L D

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/588,828

Applicant(s)

SPRUNK ET AL.

Examiner

Linh LD Son

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is written in responding to the RCE filed on April 1st of 2005.
2. Claims 1-2, and 5 are amended.
3. Claims 1-5 are pending.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yorke-Smith US 5548648, cited in the Office Action dated 07/02/04.

6. As per claim 1, the limitation of encrypting information (data) by plurality of encryption keys to be sent over a communication system (e.g. message) is taught by Yorke-Smith in Column 1, lines 6-8. The limitation that the information is split into blocks (data segments) of predetermined lengths is disclosed by Yorke-Smith, Column 3, lines 25-29. Note the number L2 is generated for each segment and that determines the length of data segment, hence the length of each block is predetermined. The limitation first key K1 is used to encrypt: a data segment DS (first encrypted portion), and a second key K2 used to encrypt a data segment DS2 is taught Column 4, lines 1-2

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where  $j = 2$ . Note Figure 3 shows the break up of the data information into data segments DS<sub>1</sub>, DS<sub>2</sub>, ... DS<sub>n</sub>. Each segment being encrypted under a different key to obtain encrypted data segments EDS<sub>1</sub>, EDS<sub>2</sub>, ... EDS<sub>n</sub>. The limitation that the second portion of the message overlaps the first encrypted portion of the message (see figure 3, Col 3 lines 33-40, and Col 4 lines 1-15). The CB block comprises a plurality of fields containing encrypted data block (EDS). Note that the fields of encrypted data include random numbers X which fills in between the other fields in the blocks not including the control block or the encrypted data block (Column 4, lines 54-56). Note further that the position of the encrypted data block varies dependent on the random number S. As the random numbers X that pads the encrypted data blocks (which meets the limitation of the added one or more bits of information) vary also with S and the length of the encrypted data block its L, of themselves constitute part of the encrypted data (Column 3, lines 43, 44, 45-46), the boundary between the encrypted data blocks will change relatively to the sequence of transmitted information and will thus constitutes an overlap region between the two encryption fields. Claim 1 is rejected.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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*and 3-5*

8. Claims ~~2~~<sup>2 and 3-5</sup> rejected under 35 U.S.C. 103(a) as being unpatentable over Yorke-Smith in view of Koopman, Jr. et al US 5619575, hereinafter "Koopman", cited in the Office Action dated 07/02/04.

9. As per claim 2, Yorke-smith discloses "A method for encrypting information in a message that can be authenticated, the method comprising: adding a first authentication block to the information to be encrypted to form a concatenated field" in (Col 4 lines 1-15); logically subdividing the concatenated field into predetermined block lengths, including a residual field when the concatenated field is not sized as an even multiple of the predetermined block length" in (Col 3 lines 45-55, and Figure 3); "encrypting the subdivided field using a first key to form cipher blocks" in (Col 3 lines 40-50, and Figure 3 (L1-Ln)); "designating one of the cipher blocks as a designated cipher block, the other cipher blocks being nondesignated cipher blocks; subdividing the designated cipher block into a first cipher subblock and a second cipher subblock, such that a combined length of the second cipher subblock and the residual field and a second authentication block is the predetermined block length" in (See Figure 3); "encrypting the second cipher subblock and the residual portion together with the second authentication block using a second key to form a cipher residual block" in (Col 4 lines 5-15); Yorke-Smith further teach of having control blocks (CB1-CBn) in the blocks message concerning the format of the data bytes in the encrypted data block in (Col 3 lines 33-38). However, Yorke-Smith does not disclose the control block is the authentication block and providing at least the first portion of the designated cipher

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block, the nondesignated cipher blocks and the cipher residual block as the message such that the message can be authenticated by decryption of a valid authentication block of either the first authentication block or the second authentication block.

Nevertheless, Koopman discloses the "Pseudorandom composition-based cryptographic authentication process" invention, which discloses an authentication block in the message to authenticate the car for entry in (Col 2 lines 29-50). It would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Yorke-smith's invention to incorporate the authentication block of Koopman to authenticate the message blocks. The authentication block would have the same functionality as the CB block in Yorke-Smith. However, it would provide the more detail information about the block to verify upon. This combination would provide authentication and integrity check of the block messages.

10. As per claim 3, the rejection basis of claim 2 is incorporated. However, Yorke-smith does not disclose the second authentication block comprises one or more bits and the second portion is less than 128 bits. Nevertheless, Koopman does mention that the authentication block can be 8 or 32 (Col 5 lines 1-10). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art that the second authentication block can be incorporated and would less than 128 bits.

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11. As per claim 4, the limitation that the second authentication block comprises one or more bits forming a null value (all bits zero bits). It would have been obvious to one of ordinary skill in the art at the time that the invention was made, to have used a null value as the simplest means of validating a message. Claim 4 is rejected.

12. As per claim 5, claim 2 rejection basis is incorporated. Further claim 5 recites a encryption and corresponding decryption system with message authentication corresponding to the encryption with message authentication claimed in Claim 2. Claim 5 is rejected.

### ***Response to Arguments***

13. Applicant's arguments filed 04/01/2005 have been fully considered but they are not persuasive.

14. As per remark on page 1 for claim 1 and continue to page 2 for claim 2, applicant argued that the reference fails to disclose or suggest "usng a second key to encrypt a second portion of the message wherein the second portion overlaps with the first encrypted portion..". However, Examiner has cited to Figure 3, which has the explanation in Yorke-Smith reference in Col 4 lines 1-15, which clearly describes that the encrypted block gets encrypted again with the CB1... CBn, where CB comprises a plurality of fields containing information concerning the format of the data bytes in the encrypted data block EDB1... EDBn (Col 3 lines 30-40). Therefore, Yorke-Smith is

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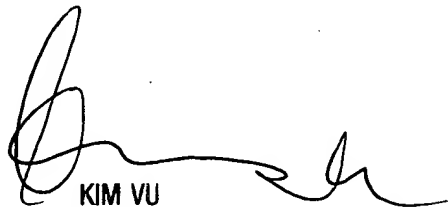
clearly teaches the feature and the rejection basis dated 07/02/2004 for claims 1-5 is maintained.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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